

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **ELIM DE JESUS DAVILA TIRADO**
SHARON LIZ JIMENEZ DIAZ
Debtor(s)

CASE NO: **14-02204-MCF**
Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329

***ATTORNEY FEES AS PER R 2016(b) STATEMENT:**

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$516.00** Outstanding (Through the Plan): **\$0.00**

***TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1329**

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: **\$0.00**

Liquidation Value: \$107,195.00 Estimated Priority Debt: \$1,073.75

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$106,121.25

With respect to the Proposed "PCM": Dated **3/16/2018 (Dkt 80)** **Plan Base: \$22,248.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.:100%

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

- Debtor has failed to submit post-petition tax returns for evaluation.

Debtor(s) has failed to submit evidence of having filed federal and local Tax Returns 2014.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

- Proposed plan fails to provide for the payment of interest at 4.25% of the general unsecured claims.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test. [1325(a)(4)]

The plan needs a minimum base of approximately \$39,500.00.

Debtors must explain why they eliminated the lump sum payment. Evidence in support of their response must be included.

Part 5: Treatment of Nonpriority Unsecured Claims

Plan must be amended to include in Section 5.1 the provision of 100% + 4.25% in compliance with the terms of the confirmed plan.

***OTHER COMMENTS / OBJECTIONS**

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: March 28, 2018

/s/ Mayra Arguelles, Esq.

Last Docket Verified: 80 Last Claim Verified: 11-2 CMC: MC